

FEDERAL COMMUNICATIONS COMMISSION
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CC92-77

September 27, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable L. F. Payne
U.S. House of Representatives
1119 Longworth House Office Building
Washington, D.C. 20515

DOCKET FILE COPY ORIGINAL

Dear Congressman Payne:

Thank you for your letter on behalf of W. W. Overton, Sheriff, Franklin County and Gerald V. Lovelace, Assistant County Administrator for Operations, Halifax County regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.


BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable L. F. Payne
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,



Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

L. F. PAYNE
5th District, Virginia

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Congress of the United States
House of Representatives
Washington, DC 20515-4605

WAYS AND MEANS COMMITTEE
SUBCOMMITTEE:
TRADE
SELECT REVENUE MEASURES

DATE: 9.14.94

TO: LOU SIZEMORE

AT FAX NUMBER

202 418 2806

FROM: LUCY M. NUNNERY

AT FAX NUMBER (202)-226-1147

NUMBER OF PAGES (INCLUDING COVER LETTER) 7

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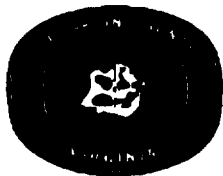
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FRANKLIN COUNTY SHERIFF'S OFFICE
ROCKY MOUNT, VIRGINIA 24151

W. G. "QUINT" OVERTON, Sheriff

July 29, 1994

ID:
KE
SL
AL
AF
LF

The Honorable L. F. Payne
U. S. Representative
House Office Building
Washington, DC 20501

Re: Billed Party Preference
CC Docket No 92-77

Dear Representative Payne:

As Sheriff of Franklin County, Virginia, I would like to express my opposition to the proposed Billed Party Preference (BPP) Rule which is currently before the Federal Communications Commission, or any other Rule or restriction which would alter the services provided to us by our inmate telephone service providers.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have found it necessary to install phone equipment that is specifically designed for inmate calls and use. This equipment helps prevent fraud, harrasing calls, and other criminal activity over the telephone network. This equipment was provided to us, free of charge, by the telephone service provider that is under contract with the county jail. This equipment is also upgraded and maintained by the same telephone service provider--free of charge. The telephone service provides an asset which is self-supporting, self-sufficient and worry-free; while at the same time provides funds back to the jail to be used to provide inmates and facilities with a means to purchase educational, spiritual, and recreational enhancements to their inmate activities programs. The inmate phone system is a vital tool to the correctional staff which allows inmates to maintain close contact with their families and friends and at the same time provides staff with an irreplaceable management tool.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,



Sheriff W. W. Overton
Franklin County Sheriff's Office & Jail

Recent Townsend To: James E Deoley

Date: 7/21/94 Time: 23:42:52

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

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Re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

We are opposed to the application of [REDACTED] at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. DPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. [REDACTED]

[REDACTED] and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to [REDACTED] -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,

[Signature] MAJ
Name/Title

DANVILLE CITY JAIL
Name of Correctional Facility

212 LYNN STREET DANVILLE VA
Address 212 24543

**HALIFAX COUNTY PLANNING COMMISSION**

OFFICE OF PLANNING DIRECTOR

P. O. BOX 700

HALIFAX, VIRGINIA 24660-0700

PHONE: (804)

ID#

KB

SL

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LF

August 2, 1994

The Honorable Lewis F. Payne
U S House of Representatives
1119 Longworth House Office Bldg
Washington, DC 20515

Dear Congressman Payne:

Enclosed is a copy of a letter to the Federal Communications Commission expressing opposition to a Commission proposal concerning Billed Party Preference. This concerns the provision of inmate telephone service in incarceration facilities.

I am requesting that you contact the FCC to support Halifax County's opposition to Billed Party Preference.

Should you require additional information or wish to discuss this further, please do not hesitate to contact me.

Sincerely,

Gerald V. Lovelace

Assistant County Administrator for Operations

GVL:sb

Enclosure



WILLIAM D. SLEEPER
County Administrator

Halifax County Board of Supervisors

P.O. Box 786
Halifax, Va. 24558-0786
Telephone (804) 476-2141
Fax (804) 476-4241

July 29, 1994

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The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Billed Party Preference
CC Docket # 92-77

Dear Chairman Hundt:

I write on behalf of the Halifax County, Virginia Board of Supervisors to oppose the Billed Party Preference (BPP) proposal. After discussions with the Sheriff of Halifax County who operates the Halifax County Jail, it is our belief that BPP will have a detrimental impact on the ability of the County to provide its inmates reasonable access to telephone service, and the ability of the County to control harassing or intimidating calls. Further, there is a potential loss of revenue which benefits inmates.

The County entered into a contract to provide inmate telephone service several years ago. Prior to that time, only a single telephone was available for inmates, and inmates had to be taken one (1) at a time to the phone room by a Correctional Officer. The inmate telephone system allowed for the installation of several additional telephones, thus increasing inmate access to outside communications. As our inmate population has increased over the years to where we now house 60-70 inmates on an average day, the multiple telephone capability has certainly been beneficial. Further, a Correctional Officer is no longer required to escort an inmate to the telephone room, thereby freeing that Officer for other duties.

Should Billed Party Preference be approved, the Sheriff could lose the ability to utilize number blocking to prevent inmates from placing harassing or intimidating calls to Judges, attorneys, witnesses, or victims.

The revenue generated by the inmate telephone system is utilized by the Sheriff to benefit the inmates. State and local funding for Jail operations is limited, with this funding providing the necessities for the inmates. The revenue generated by the inmate telephone

Chairman Hundt

Page 2

July 29, 1994

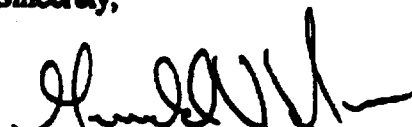
system does not go into the County's General Fund. Rather, it is used for purchases that return to the inmates in the form of recreational activities, reading materials, and other such items that quite possibly could not be provided were it not for this revenue. Virginia statutes mandate that revenues from this type of service be so utilized.

We believe that the rate structure with our existing inmate telephone system is fair and reasonable. In the several years we have had this system, there has only been one (1) complaint of an excessive charge. This complaint was resolved to the satisfaction of all parties. The fact that there has been only one (1) complaint out of the hundreds of calls is a clear indication that the rate structure is reasonable.

On behalf of Halifax County, I urge the Federal Communications Commission to disapprove the Billed Party Preference proposal. I believe the adverse impacts of Billed Party Preference far outweigh any benefit.

Halifax County appreciates the opportunity to comment on this proposal.

Sincerely,



Gerald V. Lovelace

Assistant County Administrator for Operations

GVL:sb

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness